

REMARKS

The final Office Action dated 23 March 2004 and the Advisory Action dated 17 August 2004 have been reviewed. Claims 1, 3, 17 and 18 have been cancelled without prejudice or disclaimer, claims 2, 4 and 9-13 are as previously presented, claims 5 and 16-18 are currently amended, and claims 6-8, 14 and 15 remain as originally presented. Thus, claims 2 and 4-16 are respectfully submitted for reconsideration.

The drawings are objected to. Applicants submit concurrently herewith a Submission of Replacement Sheets of Formal Drawings. Withdrawal of the objection to the drawings is requested. It is noted that the Advisory Action indicates, perhaps errantly, that the identical drawing correction filed on 22 July 2004 was disapproved, however there is no indication as to why that drawing correction was not approved. It is respectfully requested that the drawing correction be approved or that an indication of the deficiency be provided so that Applicant may submit suitable drawings.

Claims 4-10 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,259,355 to Nakashima et al. ("Nakashima '355") in view of U.S. Patent No. 5,579,741 to Cook et al. ("Cook '741") and further in view of U.S. Patent No. 5,267,470 to Cook ("Cook '470"). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakashima '355 in view of Cook '741 and Cook '470, and further in view of U.S. Patent No. 5,803,056 to Cook et al. ("Cook '056"). The rejections under 35 U.S.C. § 103(a), of claims 2, 4-10, and 16 are respectfully traversed in view of the following comments.

Applicants have amended claims 5 and 16 to particularly point out and distinctly claim the invention. Claims 5 and 16 recite a device for controlling fluid flow between an evaporative emission space of a fuel tank and a fuel vapor collection canister, including a housing, a valve, and an electric actuator. The housing includes a body portion and a cover portion. The electric actuator is disposed within the housing and extends between a first end that is operatively coupled to the valve and a second end. The electric transducer is disposed within the cover portion proximate the second end of the actuator and in fluid communication with the fluid flow path. Support for these features is provided at, for example, Fig. 1, of Applicants' specification as originally filed.

The Office Action relies on member 22 of Nakashima '355 for allegedly teaching Applicants' claimed body portion, and on sensor housing 12 of Nakashima '355 for allegedly

teaching Applicants' claimed cover portion. Applicants do not acquiesce that Nakashima '355 teaches a body portion and cover portion, as recited in claims 5 and 16. Referring to Fig. 2 of Nakashima '355, member 22 and sensor housing 12 are clearly two distinct housings connected by communication path 21. In any event, sensor housing 12 and valve member 23 of Nakashima '355 are disposed on the same side of actuator 25. So Nakashima '355 cannot in any way teach or suggest an electric actuator that is disposed within a housing and that extends between a first end that is operatively coupled to a valve and a second end, which is proximate to an electric transducer that is disposed within a cover portion.

Neither Cook '741, Cook '470, nor Cook '056 make up for the deficiencies of Nakashima '355. Accordingly, it is respectfully submitted that claims 5 and 16 are patentable. Claims 2, 4 and 6-10 ultimately depend from claim 5 and recite the same combination of allowable features recited in claim 5. Applicants respectfully request that the rejections under 35 U.S.C. § 103(a), of claims 2, 4-10, and 16, be withdrawn.

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakashima '355 in view of Cook '741 and further in view of Cook '056. And claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,211,151 to Nakajima et al. ("Nakajima '151") in view of Cook '056. These rejections are respectfully submitted to be moot in view of the cancellation, without prejudice or disclaimer, of claims 17 and 18. These claims have been cancelled to expedite allowance of the application, as indicated in the Advisory Action. Applicants do not acquiesce to the rejection and reserve the right to file a continuing application during the pendency of the present application.

It is submitted that all pending claims (*i.e.* claims 2 and 4-16) are in condition for allowance. Allowance of all pending claims is earnestly requested.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing all pending claims in condition for allowance. Applicants submit that the claim amendments do not raise new issues or necessitate additional search of the art by the Examiner.

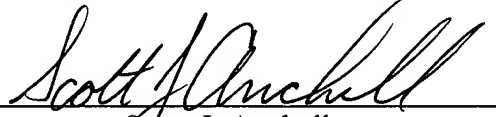
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: 24 August 2004

by: 
Scott J. Anchell
Reg. No. 35,035

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 739-3000
Facsimile: (202) 739-3001